

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KESHA TERRY, *et al.*, §
Plaintiff, §
§
v. § Civil No. 3:11-CV-0660-K-BK
§
ROSEMARY INOCENCIO, *et al.*, §
Defendants. §

**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Plaintiff filed objections on September 12, 2014, and the District Court has made a de novo review of those portions of the proposed findings, conclusions, and recommendation to which objection was made. The objections are overruled and the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

"It is settled that the district court has authority to grant summary judgment in favor of non-moving defendants, provided that the plaintiff has had adequate notice and opportunity to present its evidence." *Marriott Bros. v. Gage*, 911 F.2d 1105, 1107-08 (5th Cir. 1990). Plaintiffs alleged all of their causes of action against Defendants collectively. Doc. 142 at 8-9. As plaintiffs specifically had the opportunity to respond to Chivas Square's motion on the merits of all their FHA claims, they could not now be heard to "argue that they would have presented other facts with regard to the defendants

who did not move for summary judgment." Id. at 1108 (quoting *Marriott Bros. v. Gage*, 717 F. Supp. 458, 461 (N.D. Tex. 1989) (Fish, J.)).

Thus, the Court may also grant summary judgment to the non-moving defendants, Carol Boyd and Rosemary Inocencio, in conjunction with granting summary judgment to Chivas Square.

SO ORDERED.

Signed September 22nd, 2014.



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UNITED STATES DISTRICT JUDGE